



*United States Attorney  
Southern District of New York*

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PRESS RELEASE

MARY JO WHITE, the United States Attorney for the Southern District of New York, announced today that the Government has intervened in a private lawsuit in the White Plains federal court charging that the CITY OF MIDDLETOWN discriminated on the basis of disability in violation of the federal Fair Housing Act, the Americans with Disabilities Act, and the Rehabilitation Act, when the CITY'S Planning Board denied a social services organization the permission it sought to provide housing for adults recovering from alcoholism together with their minor children. The social services organization, Regional Economic Community Action Program, Inc. ("RECAP"), filed its lawsuit against the CITY OF MIDDLETOWN in November 1997 and the United States joined in RECAP's suit today by filing its complaint in intervention.

According to the Government's Complaint, the CITY OF MIDDLETOWN unlawfully discriminated against individuals recovering from alcohol dependency -- a group recognized as disabled under federal law -- when its Planning Board denied RECAP's application for permission to develop two licensed,

professionally staffed residential facilities on a parcel of land in a mixed-use area. The facilities, one for 20 to 24 men and the other for 20 women and their minor children, would have provided the only long-term, transitional housing in the Middletown area for people recovering from alcoholism. While the Planning Board justified its denial with concerns about economic development and the potential problems from railroad traffic alongside the property, the Government's Complaint alleges that these were not the true reasons for the Planning Board's action, particularly in light of its earlier approval of RECAP's application to develop a center for children's services on adjacent property with similar zoning and three times as much rail line frontage. The Complaint further alleges that the denial of RECAP's effort to house these individuals was based, in part, on the Mayor of Middletown's testimony before the Planning Board that "residential facilities for the disabled, mentally retarded, those who suffer from mental illness, drug and alcohol and substance abuse problems" were having a "negative" cumulative impact on Middletown's "quality of life."

The Government's Complaint seeks a declaration that the CITY'S actions violated the Fair Housing Act, the Americans with Disabilities Act, and the Rehabilitation Act; an injunction prohibiting the CITY from further discrimination against RECAP on account of its clients' disabilities; and civil damages and penalties.

Ms. WHITE said: "The Government has entered this action to vindicate the guarantee provided by our nation's laws that people with disabilities, including those recovering from alcohol

dependency, will not suffer discrimination in housing or in the programs or activities of public entities like the CITY OF MIDDLETOWN."

Assistant United States Attorney JENNIFER K. BROWN is in charge of the case.

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